

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

J.Y.C.C., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:15-CV-1704-RWS
	)	
Doe Run Resources Corporation, et al.,	)	
	)	
Defendants.	)	

**CASE MANAGEMENT ORDER NO. 8**

**IT IS HEREBY ORDERED** that the parties joint proposed amended case management order [422] is adopted and the following case management deadlines will apply in this matter:

**I. SCHEDULING PLAN**

**A. Plaintiffs' Production of Plaintiff Fact Sheets for Groups J-K**

No later than **November 30, 2020**, Plaintiffs shall produce verified and notarized fact sheets for all **Group J** Plaintiffs.

No later than **December 31, 2020**, Plaintiffs shall produce verified and notarized fact sheets for all **Group K** Plaintiffs.

To the extent Plaintiffs have provided or will provide only unnotarized versions of Group J or Group K fact sheets, Plaintiffs shall serve notarized copies of any previously unnotarized fact sheets in Group J by **December 31, 2020**, and Group K by **January 31, 2021**.

If an individual Plaintiff fails to produce a fact sheet by the stated deadline, Defendants' counsel shall confer with Plaintiff's counsel in an attempt to resolve the deficiency. If an accommodation cannot be reached Defendants' counsel may file a Motion to Show Cause why the Plaintiff's case should not be dismissed with prejudice. The individual Plaintiff will then have

thirty days to respond to the Motion to Show Cause. A failure to respond to the Motion to Show Cause within the required period of time shall lead to the dismissal of the case with prejudice, except for good cause shown.

**B. Medical, Educational and Employment Records of the Initial Trial Pool Plaintiffs**

Plaintiffs have produced some, but not all, medical, educational and employment records for the 120 Plaintiffs in the Initial Trial Pool. Plaintiffs shall complete their production of medical, educational and employment records for the 120 Plaintiffs in the Initial Trial Pool by no later than **December 31, 2020**. Plaintiffs shall make good faith efforts to produce records, to the extent they are available, on a rolling basis as they are collected. In the event that medical, educational and/or employment records do not exist for a certain Plaintiff, Plaintiffs shall provide a certification confirming as such in the form agreed to by the parties by the December 31, 2020 deadline.

If any Initial Trial Pool Plaintiff fails to make a complete records production or produce no-records certifications by this deadline, Defendants' counsel shall confer with Plaintiff's counsel in an attempt to resolve the deficiency. If an accommodation cannot be reached Defendants' counsel may file a Motion to Show Cause why the Plaintiff's case should not be dismissed without prejudice. The individual Plaintiff will then have thirty days to respond to the Motion to Show Cause. A failure to respond to the Motion to Show Cause within the required period of time shall lead to the dismissal of the case with prejudice, except for good cause shown.

Plaintiffs will continue using the authorizations approved by the Court on August 8, 2019 [Doc. 352] for all future medical and educational record requests. All new records obtained through the Court-ordered authorizations shall be produced with a load file that includes facility

information and indicate whether the record was obtained by using the Reid authorization or the authorization ordered by the Court on August 8, 2019.

Medical, educational and employment records for non-trial-pool Plaintiffs need not be produced until further order of the court. A schedule for the production of records for non-initial trial pool Plaintiffs will be established by the Court at a later date.

**C. Selection of the Initial Discovery Cohort**

Twenty-eight of the 120 initial trial pool Plaintiffs will be included in the initial discovery cohort; Plaintiffs shall choose 14 and Defendants shall choose 14. Plaintiffs have already made their initial 14 Initial Discovery Cohort Selections. Defendants must notify the Court and opposing counsel of their selected Plaintiffs by **February 26, 2021**. Those Plaintiffs must answer interrogatories and produce documents by **April 30, 2021**.

Plaintiffs will produce neuropsychology and pediatric expert findings for the 14 Initial Discovery Cohort Plaintiffs selected by Plaintiffs by **February 26, 2021**. Plaintiffs will produce neuropsychology and pediatric expert findings for the 14 Initial Discovery Cohort Plaintiffs selected by Defendants by **May 7, 2021**. Depositions of Initial Discovery Cohort Plaintiffs, family members, and caregivers will begin **May 10, 2021**. The process regarding depositions of Non-Discovery Cohort Plaintiffs will be established by the Court at a later date. Fact discovery for the Initial Discovery Cohort Plaintiffs ends **September 29, 2021**.

**D. Selection of the Initial Expert Discovery Cohort**

The parties agree that two weeks after the completion of fact discovery, the parties will narrow the pool of Initial Discovery Cohort Plaintiffs down to 16 for expert discovery (the “Initial Expert Discovery Cohort”). Plaintiffs shall choose eight and Defendants shall choose eight.

Plaintiffs must notify the Court and opposing counsel of their selections by no later than

**October 15, 2021**, two weeks upon conclusion of discovery with respect to the Initial Discovery Cohort. Defendants must notify the Court and opposing counsel of their selections by no later than **October 22, 2021**.

## II. OTHER PRE-TRIAL DEADLINES

Event	Deadline
<b>Referral to Alternative Dispute Resolution</b>	<b>30 days after ruling on dispositive and <u>Daubert</u> motions.</b>
<b>Completion of ADR</b>	<b>90 days after ADR referral deadline.</b>
<b>Plaintiffs' deadline to designate all merits experts and provide opposing counsel and any pro se parties with all information specified in Fed. R. Civ. P. 26(a)(2)</b>	<b>November 19, 2021</b>
<b>The parties shall meet and confer to set a schedule by which these expert depositions shall be conducted.</b>	<b>December 1, 2021</b>
<b>If the parties are unable to reach an agreement, they shall notify the Court in writing, and report the nature of the dispute. The report must include the names of each expert and the exclusionary dates, so the Court may set a final schedule at the conference.</b>	<b>December 1, 2021</b>

Event	Deadline
<b>Plaintiffs shall make their expert witnesses available for deposition</b>	<b>December 3, 2021</b>
<b>Depositions of Plaintiffs' expert witnesses will be completed.</b>	<b>February 4, 2024</b>
<b>Defendants shall notify Plaintiffs of the identity of the Rule 35 examiners and the scope of the examinations.</b>	<b>February 14, 2022</b>
<b>Any objections to the scope of the examinations shall be made to the Defendants.</b>	<b>February 25, 2022</b>
<b>If the parties are unable to reach an agreement as to the scope of the Rule 35 examinations, they shall notify the Court in writing, and report the nature of the dispute.</b>	<b>March 1, 2022</b>
<b>Plaintiffs shall make Expert Discovery Cohort Plaintiffs available for IMEs</b>	<b>March 14, 2022</b>
<b>IMEs of Expert Discovery Cohort Plaintiffs will be completed</b>	<b>June 17, 2022</b>
<b>Defendants' deadline to designate all merits experts and provide opposing counsel and any pro se parties with all information specified in Fed. R. Civ. P. 26(a)(2)</b>	<b>August 17, 2022</b>

Event	Deadline
<b>The parties shall meet and confer to set a schedule by which these expert depositions shall be conducted.</b>	<b>August 24, 2022</b>
<b>If the parties are unable to reach an agreement, they shall notify the Court in writing, and report the nature of the dispute. The report must include the names of each expert and the exclusionary dates, so the Court may set a final schedule at the conference.</b>	<b>August 24, 2022</b>
<b>Defendants shall make their expert witnesses available for depositions</b>	<b>September 7, 2022</b>
<b>Depositions of Defendants' expert witnesses will be completed.</b>	<b>November 21, 2022</b>
<b>Plaintiffs' deadline to designate all rebuttal expert witnesses and provide their reports</b>	<b>November 28, 2022</b>
<b>The parties shall meet and confer to set a schedule by which these expert depositions shall be conducted.</b>	<b>December 9, 2022</b>

Event	Deadline
<b>If the parties are unable to reach an agreement, they shall notify the Court in writing, and report the nature of the dispute. The report must include the names of each expert and any exclusionary dates, so the Court may set a final schedule at the conference.</b>	<b>December 9, 2022</b>
<b>Plaintiffs shall make any rebuttal expert witnesses available for depositions.</b>	<b>December 19, 2022</b>
<b>Deadline to complete depositions of Plaintiffs' rebuttal experts</b>	<b>January 20, 2023</b>
<b>Close of expert discovery</b>	<b>January 20, 2023</b>
<b>Deadline to file dispositive motions</b>	<b>March 10, 2023</b>
<b>Deadline to file Motions to Limit or Exclude Expert Testimony</b>	<b>March 10, 2023</b>
<b>Deadline to file responses to any dispositive motions</b>	<b>April 21, 2023</b>
<b>Deadline to file responses to Motions to Limit or Exclude Expert Testimony</b>	<b>April 21, 2023</b>
<b>Deadline to file replies in support of any dispositive motions</b>	<b>May 19, 2023</b>

Event	Deadline
<b>Deadline to file replies in further support of Motions to Limit or Exclude Expert Testimony</b>	<b>May 19, 2023</b>

### **III. TRIAL DEADLINES**

Pre-trial and trial-related deadlines will be set by further order of the Court after the completion of briefing on dispositive and other pre-trial motions.

### **IV. QUARTERLY STATUS CONFERENCES**

The Court shall hold regular status conferences on dates to be established by the parties in consultation with the Court. Unless otherwise ordered above, one week before each conference, counsel shall file a joint status report informing the Court of any matters that should be discussed at the conference.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 10th of November, 2020.